

5.6 Zoning district development standards New land uses and structures, and alterations to existing uses or structures shall be designed, constructed, and/or established in compliance with the requirements identified in Table 5-2 (Zoning District Development Standards), in addition to the general development standards and the applicable standards for landscaping, off-street parking and loading, signs, etc.

TABLE 5.2

Development Feature	MP-TOD	MP-I	MP-C
Minimum Parcel Size	22,500 sq. ft.	22,500 sq. ft.	22,500 sq. ft.
Minimum Parcel Width	100 feet	100 feet	100 feet
Minimum Parcel Depth	150 feet	150 feet	150 feet
Standard Limitation Floor Area Ratio (FAR)	0.55	0.40	0.40
Maximum Floor Area Ratio (FAR) ^{2,5}	0.70	0.50	0.40
Maximum lot coverage	45%	45%	45%
Setbacks Required (from property line)			
Front (Adjacent to Mathilda Ave. and Java Dr.)	25 feet (15 feet)	25 feet	25 feet
Side (each) ⁽¹⁾	20 feet	20 feet	20 feet
Street side (Adjacent to Mathilda Ave and Java Dr.)	25 feet (15 feet)	25 feet	25 feet
Rear	None	None	25 feet
Accessory buildings	See Section 5.9.		
Maximum Height Limit ⁽²⁾⁽³⁾	75 feet or 8 stories		
Landscaping provisions	See Section 5.10.		
Off-street Parking and Loading provisions	See Section 5.11.		
Sign provisions	See Section 5.13.		

Notes:

1. Side yards may be increased in compliance with Title 19 of Sunnyvale Municipal Code.
2. Hotels may exceed 75 feet with approval of a SDP and are not subject to FAR requirements.
3. Access to Development Reserve or TDR may go up to maximum 125 ft.
4. Warehouse uses standard limitation and maximum of 0.50 FAR.
5. Any development above the standard FAR limitation shall be processed as a SDP

5.7 Increased Development Intensity (Development Reserve and Transfer of Development Rights)

A. Applicability.

An increase in development intensity over the standard floor area ratio (FAR) limitation may be granted for parcels in the MP-TOD and MP-I subdistricts through access to the Development Reserve or through Transfer of Development Rights, as described in Subsection B, below. When requesting an increase in development intensity, project applicants shall comply with supplementary development criteria established in this section.

Development intensity may be increased either by accessing the Moffett Park Specific Plan Development Reserve (see Section 5.7.C below) or by obtaining additional development intensity through a transfer of development rights by private agreements (see Section 5.7.D, below).

- C. Allowed increases in development intensity.** An increase in development intensity through use of the Development Reserve or Transfer of Development Rights may be allowed as follows:

Table 5-3

MP-TOD¹	Up to 70% FAR
MP-I	Up to 50% FAR
MP-C	No increase allowed

1 Military parcels are not eligible.

Development Reserve

3. Applicability.

The Moffett Park Specific Plan has established a 2,000,000 square foot development reserve that may allow project applicants to increase their allowed development intensity as provided in **Table 5-3**. The minimum parcel size to access the development reserve shall be 25,000 square feet.

4. Prior Development Reserve Accountability.

Development in the Moffett Park area prior to January 1, 2001, that exceed the 35% FAR threshold were established through a Use Permit from the City of Sunnyvale. Development occurring after January 1, 2001 that exceeds the proposed standard FAR limitations (MP-I 40%, MP-TOD 55%) shall be deducted from the Moffett Park Specific Plan 2,000,000 square foot development reserve.

5. Accessing and using the Development Reserve.

A project applicant may request access to the development reserve for a specific increase in the allowed floor area ratio for a specific parcel of land by filing an application for a Special Development Permit with the Department of Community Development. Access will be granted on a “first-come-first-serve” basis at the discretion of the City.

Projects shall be eligible to apply for access to the development reserve if they include mitigation measures to significantly reduce or eliminate potential impacts of the project.

The decision making body may approve the SDP, conditionally approve the permit by requesting that the applicant provide additional mitigation measures, or deny the permit.

Approved SDP's that access the development reserve, without signing a development agreement to exercise their permit, have a two-year entitlement. Two one-year extensions may be granted at the discretion of the Director of Community Development.

6. Development criteria.

a. Provision of on-site amenities required. All new development and redevelopment within the Moffett Park Specific Plan project area requesting additional development square footage above the standard FAR limitation of this chapter shall provide on-site amenities. On-site amenities shall be defined as structures or other on-site features that provide a positive contribution to site design, utilization, and function. Site amenities may include seating areas, benches, publicly accessible plazas, enhanced paving, fountains, dedicated pedestrian areas, water features, plazas, internal trail systems, or others similar uses as deemed appropriate by the decision-making body.

b. Energy Conservation required. All new development and redevelopment requesting additional development square footage above the standard FAR limitation of this Chapter shall demonstrate the incorporation of resource-efficient methods of construction, renovation, operation, maintenance, and demolition. Appropriate techniques and methods for energy conservation shall include building and site design features, materials, equipment and practices that demonstrate tangible and measurable conservation benefits. Examples of energy conservation are included in Appendix A.

Examples in Appendix A of this Specific Plan are based upon guidelines and recommendations of the U.S. Green Building Council (USGBC). USGBC has developed a green building rating system, called LEED (Leadership in Energy and Environmental Design), for rating new or existing commercial, institutional and high-rise residential buildings in any location. LEED is a self-assessing

system designed for rating new and existing commercial, institutional, and high-rise residential buildings. It evaluates environmental performance from a "whole building" perspective over a building's life cycle, providing a definitive standard for what constitutes a green building. LEED is based on accepted energy and environmental principles and strikes a balance between known effective practices and emerging concepts.

c. Dedicated Park and Ride Facilities required. All new development and redevelopment within the MP-TOD subdistrict requesting additional development square footage above the standard FAR limitation of this Chapter shall provide dedicated, publicly accessible park and ride parking spaces within private development. These facilities shall only be required for parcels within ¼ mile of a transit station or a major bus/transit facility, as determined by the decision-making body. Park and Ride facilities shall be installed at a rate of 2 percent of required carpool spaces, pursuant to Section 5.10.C.3.

d. Transportation Demand Management. All applicants granted use of the development reserve shall be required to submit a TDM Strategy Plan in compliance with Section 5.11 of these regulations. All TDM plans shall provide peak hour thresholds, as determined during the SDP process.

e. Community benefit. At the discretion of the Community Development Director, a finding of community benefit may be substituted for required criteria, as established in this section. Eligible activities may include;

- i. Fund or provide community facilities
- ii. Fund or provide community programs
- iii. Fund or provide streetscape improvements
- iv. Fund or provide pedestrian circulation improvements

5. Development Reserve Availability on Record. The Community Development Director shall keep on record a listing of the available remaining square footage in the development reserve, including the cumulative square footage exhausted and square footage available for use. As of October 1, 2002, existing development square footage availability is approximately 1.4 million square feet.

Square footage will be temporarily removed from account upon an application being deemed complete. Must have available square footage for an application to be deemed complete.

6. Development Reserve Exhausted. If all available square footage in the development reserve is entitled, the Development Reserve shall be determined exhausted. If an entitlement is not exercised within the prescribed timeframe, the square footage shall return to the reserve for future consideration. Future development shall not be granted additional development square footage pursuant to this section.

D. Transfer of Development Rights

1. **Definition.** A transfer of development rights means an entitlement to construct additional building square footage above that normally allowed on a predetermined parcel (receiver parcel) when an equal amount of potential building square footage is transferred by mutual agreement from another parcel (donor parcel) that does not intend to develop to the maximum allowed square footage.
2. **Applicability².** An allocation of square footage may be transferred from one or more parcels (donors) to another parcel (receiver) within the MP-TOD and MP-I subdistricts to the extent shown in Table 5-3. The amount of building square footage that may be transferred from a donor parcel shall be calculated using the difference between current level of development and the standard FAR limitation. The amount of building square footage that may be allocated to a receiver parcel shall be calculated using the “Maximum FAR”.

The receiver parcel shall have a minimum gross area of 10 acres. A receiver parcel may obtain allocations from one or more donor parcels.

When development rights are transferred, all such rights are thereafter depleted with regard to the donor parcel.

3. **Approval process for Transfer of Development Rights.** A Special Development Permit shall be required to authorize a transfer of development rights and the City shall be a party to an agreement between the property owners transferring and receiving the development rights. The agreement(s) shall be recorded with the County Recorder’s Office.

The transfer of development rights may be authorized through approval of an SDP with a finding that the receiver parcel has sufficient area to accommodate the increased intensity of development, that the impacts of the development will be mitigated to a satisfactory level, and that the total development meets all of the applicable requirements of the City’s General Plan, provisions of this Specific Plan, and Zoning Code.

The City of Sunnyvale may approve the Special Development Permit, conditionally approve the permit by requesting that the applicant provide additional mitigation measures, or deny the permit in compliance with Title 19 of the Sunnyvale Municipal Code.

4. Required Development Standards – Transfer of Development Rights

- a. **Provision of on-site amenities required.** All new development and redevelopment within the Moffett Park Specific Plan project area requesting additional development square footage above the standard FAR limitation of this chapter shall provide on-site amenities. On-site amenities shall be

² Military parcels and MP-C subdistrict parcels are not eligible.

defined as structures, elements other on-site features that provide a positive contribution to site design, utilization and function. Site amenities may include seating areas, benches, publicly accessible plazas, enhanced paving, fountains, dedicated pedestrian areas, water features, plazas, internal trail systems, or others similar uses as deemed appropriate by the Director of Community Development.

- b. Energy conservation required.** All new development and redevelopment within the Moffett Park Specific Plan requesting additional development square footage above the standard FAR limitation of this Chapter shall demonstrate the incorporation of resource-efficient methods of construction, renovation, operation, maintenance, and demolition. Examples of the techniques are provided in Appendix A.

Appropriate techniques and methods for energy conservation shall include building and site design features, materials, equipment and practices that demonstrate tangible and measurable conservation benefits.

- c. Dedicated Park and Ride Facilities required.** All new development and redevelopment within the MP-TOD subdistrict requesting additional development square footage above the standard FAR limitation of this Chapter shall provide dedicated, publicly accessible park and ride parking spaces within private development. Park and Ride facilities shall be installed at a rate of 2 percent of required carpool spaces, pursuant to Section 5.10.C.3 of this Chapter.
- d. Transportation Demand Management.** All applicants granted use of the development reserve shall be required to submit a TDM Strategy Plan in compliance with Section 5.11 of this Chapter. All TDM plans shall be required to reduce peak hour trips, as determined during the SDP process.
- e. Community benefit.** At the discretion of the Community Development Director, a finding of community benefit may be substituted for required criteria, as established in this section. Eligible activities may include;
- i. Fund or provide for community facilities
 - ii. Fund or provide for community programs
 - iii. Fund or provide of streetscape improvements
 - iv. Fund or provide of pedestrian circulation improvements